



OFFICE OF THE SECRETARY OF DEFENSE

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Administration  
& Management

MEMORANDUM FOR UNDER SECRETARIES OF DEFENSE  
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SUBJECT: Management of Electronic Mail Records

The increasing use of electronic mail in the conduct of daily business makes it especially important that all users of this medium clearly understand the rules that apply to the preservations and disposition of information created in an e-mail environment. The unauthorized destruction of certain e-mail documents could result in the loss of vital information and severe embarrassment to this Department.

The purpose of this memorandum is to reemphasize previously disseminated policy, particularly that contained in Assistant Secretary of Defense for Command, Control, Communications and Intelligence memorandum "Department of Defense Interim Policy for Electronic Records Management" dated February 2, 1996. Enclosed for information and guidance for all concerned is an extract from a forthcoming change to Administrative Instruction No. 15, "Records Management, Administrative Procedures and Records Disposition Schedules", August 1994.

If you have any questions on this matter, please contact my Records Administrator, Mr. David Bosworth or Mr. Dan Cragg at 703-601-4722.

D.O. Cooke  
Director

Attachment:  
As stated

U13318 /01

## Electronic Mail (E-mail) Records

### Principles Governing Electronic Mail.

a. Many computer users have difficulty thinking of e-mail as having the characteristics of a record. However, 44 U.S.C. §3301 describes records as documentary materials meeting certain criteria "regardless of physical form or characteristics." Users should screen all e-mail messages in their control and be prepared to separate those that may constitute a record to ensure they are preserved properly. They also must learn to apply the proper disposition to messages and attachments that are Federal records and delete as soon as possible those messages that are not Federal records.

b. The intent of this guidance is not to require the preservation of every e-mail message. Its purpose is to direct the preservation of those messages that contain information documenting agency policies, programs, and activities. E-mail message creators and recipients must decide whether particular messages are appropriate for preservation. In making these decisions, all personnel should exercise the same judgment they use when determining whether to retain and file paper records.

### 2. Deciding Which Electronic Mail Messages Are Records.

a. E-mail messages, like paper documentary materials, are records when they are made or received by an office under Federal law or in connection with the transaction of public business and are preserved or are appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government, or because of the informational value of the data in them.

b. Non-record e-mail messages are those containing official information but received and preserved **ONLY** for convenience of reference; personal messages are those that pertain **ONLY** to an individual's private business.

c. According to 36 CFR §1222.38, official records must sufficiently:

- (1) Document the persons, places, things, or matters dealt with by your office.
- (2) Facilitate action by officials and their successors in office.
- (3) Make possible a proper scrutiny by the Congress or other duly authorized agencies of the Government.
- (4) Protect the financial, legal, and other rights of the Government and of persons directly affected by the Government's actions.

(5) Document the formulation and execution of basic policies and decisions and the taking of necessary actions, including all significant decisions and commitments reached orally (person to person, by telecommunications, or in conference).

(6) Document important board, committee, or staff meetings.

d. Examples of e-mail messages that are Federal records include those with:

(1) Key substantive comments on a draft memorandum, if they add to a proper understanding of an action.

(2) Documentation of significant departmental decisions and commitments reached orally and not documented elsewhere.

(3) Information of value on important activities, e.g., data compiled in response to a departmental request.

### 3. Managing Electronic Mail Records.

a. 36 CFR §1234.24, "Standards for Managing Electronic Mail Records," requires that recordkeeping systems (manual or electronic) account for the following:

(1) Transmission data (names of sender and addressee(s) and date the message was sent) must be preserved for each electronic mail record. Any other transmission data needed for purposes of context should also be preserved.

(2) Distribution lists to ensure identification of the sender and addressee(s) of messages that are records.

(3) Electronic return receipts, if used to certify a message was delivered to the recipient(s), must be linked to and filed with the original message so as to be retrievable throughout the disposition cycle of the original message.

(4) Federal records sent or received on these systems are preserved in the appropriate recordkeeping system and along with transmission and receipt data.

(5) Some e-mail systems provide calendars and task lists for users.

(a) NARA General Records Schedule 23, "Records Common to Most Agencies," 1998, stipulates that calendars containing substantive information relating to official activities that has not been incorporated into official files can generally be deleted when 2 years old. A big EXCEPTION to this rule is that the records of high-ranking government officials such as political appointees, PSAs, SES-level employees and officers of the Armed Forces serving in equivalent or comparable positions must be scheduled by submission of an SF 115, "Request for Records Disposition Authority," to NARA.